

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|----------------------------------|---|-----------------------|
| ADNAN S. MOHAMMED ALI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | NO. 3:09-0026 |
| |) | Judge Campbell/Bryant |
| DEPARTMENT OF HOMELAND SECURITY, |) | |
| U.S. Citizenship and Immigration |) | |
| Services, |) | |
| |) | |
| Defendant. |) | |

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

This case has been referred to the undersigned Magistrate Judge for report and recommendation on dispositive motions (Docket Entry No. 4).

Defendant has filed its motion to dismiss (Docket Entry No. 9) on grounds of mootness and resulting lack of subject-matter jurisdiction. Specifically, defendant asserts that plaintiff's application for naturalization has now been approved, and that plaintiff was scheduled to participate in a naturalization ceremony on March 27, 2009, rendering plaintiff's claims moot.

After plaintiff failed to respond to this motion, the Court entered an order directing plaintiff to show cause why defendant's motion to dismiss should not be granted (Docket Entry No. 11). In response, plaintiff filed a handwritten statement (Docket Entry No. 13), which the undersigned Magistrate Judge interprets as stating: "I, Adnan S. Mohammed Ali, dismiss my court day because I got my ceremony," allowing for misspellings. Given

this statement, the undersigned Magistrate Judge finds that plaintiff does not oppose defendant's motion to dismiss on grounds of mootness.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that defendant's motion to dismiss be **GRANTED** and that the complaint be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 15th day of April 2009.

s/ John S. Bryant

JOHN S. BRYANT
United States Magistrate Judge